

ENTERED

September 05, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DEBORAH JONES-MACDONALD,

§

Plaintiff.

§

V.

§

CIVIL ACTION NO. 4:23-cv-02871

§

HARRIS COUNTY, *et al.*,

§

Defendants.

§

ORDER

I have been reviewing the motion to dismiss briefing in this case, and I have some questions. “[T]he overarching lesson of the case law is that officers may act to diffuse a volatile situation, but may not aid the repossession in such a way that the repossession would not have occurred but for their assistance.” *Poteet v. Sullivan*, 218 S.W.3d 780, 789 (Tex. App.—Fort Worth 2007, pet. denied) (denying summary judgment on qualified immunity to officers who threatened homeowner with arrest and physically restrained him while his ex-girlfriend removed items from his property). With this case law in mind, I would like to have a hearing to discuss the following:

- Did Officers Ribbe and Delgado *create* a volatile situation by aiding in the civil repossession of Plaintiff’s vehicle?
- Was Officers Ribbe’s and Delgado’s participation in the repossession of Plaintiff’s vehicle unconstitutional?
- If yes, what effect does that have on the legality of their subsequent actions?
- What authority permits officers to physically remove a driver from their vehicle in a private parking lot?

The hearing will be at 2 pm on Friday, September 20, 2024 via Zoom. My case manager will email the parties the Zoom link, which is also available on my court webpage.

SIGNED this 5th day of September 2024.



ANDREW M. EDISON
UNITED STATES MAGISTRATE JUDGE